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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91225642
Party	Defendant ANKER TECHNOLOGY CO., LIMITED
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Date	05/17/2016
Attachments	Answer to Notice of Opposition - Vizio.pdf(1228161 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

	X	
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VIZIO INC.,	:	
	:	
	:	
	:	Opposer, : Opposition No. 91/225,642
	:	: Application No. 86/544,433
v.	:	
	:	
ANKER TECHNOLOGY CO., LTD.,	:	
	:	
	:	
	:	Applicant. :
	:	
	X	

ANSWER TO NOTICE OF OPPOSITION

Applicant Anker Technology Co., Ltd. (“Applicant”), the owner of stylized A Logo Application Serial No. 86/544,433 (“Applicant’s “A Logo”), through Applicant’s attorneys Ladas & Parry LLP, answers Opposer Vizio Inc.’s (“Opposer”) Notice of Opposition as follows:

As to the prefatory statements in the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein and therefore denies same, except Applicant admits that Application Serial No. 86/544,433 was filed on February 24, 2015, in the name of Anker Technology Co., Ltd., a Hong Kong limited company with a place of business at Hollywood Commercial Center, 610 Nathan Road, Room 1318-19, Mongkok, Kowloon, Hong Kong, but denies that Opposer will be damaged by the issuance of a registration for Applicant’s Mark.

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition and therefore denies same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition and therefore denies same, except Applicant admits that the TSDR printouts and registrations attached at Exhibit A to the Notice of Opposition list Opposer Vizio, Inc. as the mark owner, but denies that U.S. Registration No. 3,026,663 covers “plasma televisions” and “DVD players” in International Class 9.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Notice of Opposition and therefore denies same.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Notice of Opposition and therefore denies same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Notice of Opposition and therefore denies same.

6. Applicant denies that it seeks registration for a “stylized V logo”, admits that it filed its application to register Applicant’s A Logo on February 24, 2015, in connection with the following goods in International Class 9 on an intent-to-use basis:

Batteries and battery chargers; battery cables; battery cases; battery charge devices; battery packs; renewable battery system to provide backup power; Camera handles; Camera hoods; Cell phone battery chargers; Computer keyboards; Mobile telephone batteries;

and respectfully refers the Board to the file history at the USPTO for Applicant’s applied-for A Logo.

7. Applicant denies knowledge or information sufficient to form a belief as to the allegations set forth in paragraph 7 of the Notice of Opposition since “Applicant’s Mark” is not defined and Applicant uses different marks, including word marks that incorporate the A Logo and because Figure 1 in the Notice of Opposition is misleading since it is an artificially manipulated depiction, turning the A Logo upside down, thereby changing its commercial appearance.

8. Applicant admits that the application to register Applicant’s A Logo was published in the *Official Gazette* on July 7, 2015.

**GROUND FOR OPPOSITION:
LIKELIHOOD OF CONFUSION**

9. Applicant repeats and realleges its responses to Paragraphs 1 through 8, inclusive, as if set forth at length herein.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice of Opposition and therefore denies same.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Notice of Opposition and therefore denies same.

12. Applicant denies the allegations set forth in paragraph 12 of the Notice of Opposition.

13. Applicant objects to the term “Applicant’s Marks” as an undefined term and therefore lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13 of the Notice of Opposition.

14. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Notice of Opposition and therefore denies same.

15. Applicant denies the allegations set forth in paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations set forth in paragraph 16 of the Notice of Opposition.

17. Applicant admits that Opposer is not affiliated or connected with Applicant or its goods, nor has Opposer endorsed or sponsored Applicant or its goods.

18. Applicant denies the allegations set forth in paragraph 18 of the Notice of Opposition, except Applicant admits that Opposer does not control the nature and quality of the goods that will be offered under Applicant's A Logo.

19. Applicant denies the allegations set forth in paragraph 19 of the Notice of Opposition.

First Affirmative Defense

Applicant's A Logo materially differs from and embodies a wholly distinguishable and distinct commercial impression from Opposer's Marks identified in paragraph 2 of the Notice of Opposition so as to make confusion unlikely.

Second Affirmative Defense

Upon information and belief, there is third party coexistence of stylized A Marks or design logos and therefore Applicant's A logo is unlikely to be confused with Opposer's VIZIO Marks.


Third Affirmative Defense

Opposer can suffer no harm from the A Logo issuing to registration since Applicant has already incorporated the A Logo in its ANKER Registration No. 4,867,993 as the A Logo is an acronym for ANKER.

WHEREFORE, for all of the foregoing reasons, Applicant respectfully requests that the Board dismiss Opposer's Notice of Opposition in its entirety and allow Applicant's A Logo Application Serial No. 86/544,433 to issue to registration.

Respectfully submitted,
LADAS & PARRY LLP
Attorneys for Applicant

Dated: May 17, 2016

By: 
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CERTIFICATE OF TRANSMISSION

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being electronically transmitted to the United States Patent and Trademark Office on the date indicated.

Dated: May 17, 2016


Reinaldo M. Roa

CERTIFICATE OF SERVICE

I, Reinaldo M. Roa, hereby certify that a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served on the person(s) listed below by First-Class Mail, postage prepaid, on the date indicated:

Margaret Niver McGann
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Dated: May 17, 2016


Reinaldo M. Roa